

# United States District Court

MIDDLE

DISTRICT OF

ALABAMA

UNITED STATES OF AMERICA

v.

MAURICE ANDERSON

CRIMINAL COMPLAINT

CASE NUMBER:

*2:07mj 92-SKW*

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 16, 2007, in Montgomery County and elsewhere within the Middle District of Alabama defendant,

being the subject of a protective order did knowingly possess in or affecting commerce a firearm, all in violation of Title 18 United States Code, Section(s) 922(g)(8).  
I further state that I am

a(n) ATF Special Agent and that this complaint is based on the following facts:  
Official Title

SEE ATTACHED AFFIDAVIT WHICH IS INCORPORATED BY REFERENCE

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

  
Signature of Complainant

Sworn to before me and subscribed in my presence,

OCTOBER 17, 2007

Date

at Montgomery, Alabama  
City and State

Susan Russ Walker, U. S. Magistrate Judge  
Name & Title of Judicial Officer

  
Signature of Judicial Officer

**AFFIDAVIT**

I, the undersigned affiant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. My name is G. Ed Litaker. I am a Senior Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I am presently assigned to the Montgomery, Alabama, Field Office. The Montgomery Field Office is one of several ATF offices supervised by the Nashville Field Division, which encompasses Alabama and Tennessee. The Montgomery Field Office's area of operation is the Middle Federal Judicial District of Alabama.

I hold a B.S., M.S., and MBA Degree from Auburn University and I am a graduate of the Federal Law Enforcement Training Center and a graduate of the ATF National Academy.

I have been a Special Agent with ATF since January 1988. Prior to my being a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, I was a Homicide Detective with the Montgomery, Alabama Police Department and was employed by the Montgomery Police Department for eight years. Further, I have written several articles in the field of Criminal Justice which were published nationally and internationally.

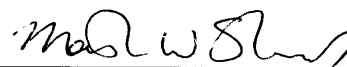
**Further:**

1. On July 20, 2007, a **Protection Order** was issued against Maurice ANDERSON by the Montgomery County Circuit Court (DR-07-665) for the protection of one Porsha Abernathy.

2. On October 16, 2007, Maurice ANDERSON was found to be in possession of one ROMARM/CUGIR Assault Rifle, serial # AI-2429-83 (AK-47) while in a confrontation with the same Porsha Abernathy protected by the previous Court Order.
3. The above listed firearm was located in the vehicle (1998 Lincoln Navigator, 18501AM) belonging to Maurice ANDERSON after ANDERSON gave consent to search. This same firearm had been ordered by the Montgomery County Circuit Court for surrender by ANDERSON.
4. On October 16, 2007, Affiant tested the firearm and determined that it did function.
5. On October 17, 2007, ATF Interstate Nexus Expert, ATF/SA Theron Jackson, determined that the listed firearm traveled in and affected Interstate Commerce.
6. SEE ATTACHED COURT ORDER, INCORPORATED BY AFFIDAVIT. *QED*

Given the fact that Maurice ANDERSON is a prohibited person and in violation of United States Code, Title 18, Section 922(g) (8), and his history of Domestic Violence, I respectfully request that an arrest warrant be issued for Maurice ANDERSON.

  
Special Agent, ATF

Approved by Assistant U.S. Attorney 

Sworn to and subscribed by me this 17th day of October, 2007

  
\_\_\_\_\_  
U.S. MAGISTRATE/DISTRICT JUDGE

**Protection Order**(Protection from Abuse Act)  
§30-5-1, et seq., Ala. Code 1975State of Alabama Unified Judicial System, Form C-3 Page 1 of 3  
Rev. 4/2007

Case No.

**DB-07-665**In the ☒ Circuit or ☐ District Court of**Montgomery**

County, ALABAMA

☐ Amended Order**PLAINTIFF****Porsha Abernathy**

First Middle Last

and any minor(s) or minor child(ren) on whose behalf the petition for Protection from Abuse was filed [List Name(s) and DOB(s)]

**PLAINTIFF****12/14/87**

Date of Birth (DOB) of Plaintiff

Other Protected Persons(s) [List Name(s) and DOB(s)]:

V.

**DEFENDANT****Maurice Anderson**

First Middle Last

Relationship to Plaintiff: ☐ Spouse ☐ Ex-Spouse ☐ Child  
☐ Parent ☐ Relation within 6<sup>th</sup> Degree Consanguinity or Affinity  
☐ Common Law Marriage ☐ Child in Common  
☒ Present or Former Household MemberDefendant's Home Address & Telephone #: **2643****Rutland Drive, Montgomery, AL**  
work add: **O'Reilly Auto Parts, 0421 W. Fairview, Montgomery, AL**CAUTION: WEAPONS INVOLVED ☒ Firearm ☐ Knife ☐ Hands, Feet, Fist ☐ Other: **AK**  
☐ Weapon Present on the Property**DEFENDANT IDENTIFIERS**

SEX	RACE	DOB	HT	WT
Male	Black	5/17/84	6'0"	220lbs
EYES	HAIR	DISTINGUISHING FEATURES		
Brown	Black			
DRIVERS LICENSE #		STATE	EXP DATE	
VEHICLE		TAG#		
Fairview, Montgomery, AL				

**THE COURT HEREBY FINDS:**That it has jurisdiction over the parties and subject matter, and the Defendant has been provided with reasonable notice and opportunity to be heard.  
Additional findings of this Court follow on succeeding pages.**THE COURT HEREBY ORDERS (Check all that apply):**

- ☒ That the above-named Defendant be restrained from committing further acts of abuse or threats of abuse as defined in the Protection from Abuse Act.
- ☒ That the above-named Defendant be restrained from any contact with the ☒ Plaintiff, and/or ☐ Minor(s); and/or ☐ Minor Child(ren); and/or ☐ Any designated household or family member, to wit: \_\_\_\_\_  
Additional terms of this order follow on succeeding pages.

The terms of this order shall be effective until **July 20, 2008**; or ☐ further order of the Court.**WARNINGS TO DEFENDANT:**

This Order shall be enforced, even without registration, by courts of any State, the District of Columbia, any U.S. territory, and may be enforced by Tribal lands (18 U.S.C.A. Section 2265). Crossing state, territorial, or tribal boundaries to violate this Order may result in penalties, including federal imprisonment (18 U.S.C.A. Section 2262). Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition while subject to a qualified protection order or after being convicted of a misdemeanor crime of domestic violence [18 U.S.C.A. Section 922(g)(8) and 922(g)(9)]. This Order is also enforceable on U.S. Department of Defense installations (10 U.S.C.A. Section 1561a). A willful violation of this Order is a Class A misdemeanor, which is punishable by a fine not to exceed six thousand dollars (\$6,000) or imprisonment for up to a year in jail, or both, and is also punishable for civil contempt (Section 30-5-8, Ala. Code 1975). In addition, Section 30-5-9 and 30-5A-3(c)(2), Ala. Code 1975, further outlines penalties for violations of protection, restraining, or injunctive orders.

**ONLY THE COURT CAN CHANGE THIS ORDER**

Copy-Law Enforcement

Copy-Plaintiff

Copy-Defendant

**ICE CASE**

**Protection Order**State of Alabama Unified Judicial System, Form C-3 Page 2 of 3  
Rev. 4/2007(Protection from Abuse Act)  
§30-5-1, et seq., Ala. Code 1975

Case No.

DR-07-1065In the ☒ Circuit or ☐ District Court of

County, ALABAMA

☐ Amended Order**FINDINGS OF THE COURT (Continued from Page One) (Check all that apply):**

After a hearing was held in which the Defendant: ☒ appeared { ☒ pro se or ☐ with counsel } or ☐ did not appear, the Court finds that the Plaintiff proved the allegations of abuse by a preponderance of evidence and further finds that:

☒ Service was perfected on the Defendant on 10/25/07 (date).

☒ The Defendant represents a credible threat to the physical safety of the: ☒ Plaintiff and/or ☐ Minor(s); and/or ☐ Minor child(ren); and/or ☐ Any designated family or household member, to-wit: \_\_\_\_\_

**THE COURT FURTHER ORDERS THAT (Check all that apply):**

- ☒ (1) The Defendant is enjoined from threatening to commit, or committing, any further acts of abuse, as defined in the Protection from Abuse Act, against the: ☒ Plaintiff; and/or ☐ Minor(s); and/or ☐ Minor child(ren); and/or ☐ Any designated family or household member, to wit: \_\_\_\_\_
- ☒ (2) The Defendant is further restrained and enjoined from harassing, stalking, or threatening, or engaging in conduct that would place in reasonable fear of bodily injury, the: ☒ Plaintiff; and/or ☐ Minor(s); and/or ☐ Minor child(ren); and/or ☐ Any designated family or household member, to-wit: \_\_\_\_\_
- ☒ (3) The Defendant is further restrained and enjoined from using, attempting to use, or threatening to use, physical force that would reasonably be expected to cause bodily injury to the: ☒ Plaintiff; and/or ☐ Minor(s); and/or ☐ Minor child(ren); and/or ☐ Any designated family or household member, to-wit: \_\_\_\_\_
- ☒ (4) The Defendant is further restrained and enjoined from annoying, telephoning, contacting, or otherwise communicating, directly or indirectly, with the: ☒ Plaintiff; and/or ☐ Minor(s); and/or ☐ Minor child(ren); and/or ☐ Any designated family or household member, to-wit: \_\_\_\_\_
- ☒ (5) The Defendant is ordered to stay away from: the Plaintiff's ☒ residence; ☒ place of employment; ☒ school; and/or the Minor(s) or Minor child(ren)'s ☒ residence; ☒ place of employment; ☒ school; and/or ☒ Any specified place, as designated below which the Defendant has no legitimate reason to frequent, frequented by: ☒ the Plaintiff; ☐ the minor(s); and/or ☐ Minor child(ren); and/or ☒ any designated family/household member. Name(s) and location(s) of the other specified place(s): 435 E. Park Avenue / 3670 Southmont Drive / Walmart on Ann Street
- ☐ (6) Temporary custody of the minor child(ren) of the parties is hereby granted to: \_\_\_\_\_
- ☐ (7) The Defendant is restrained and enjoined from interfering with the Plaintiff's efforts to remove the Plaintiff's minor child(ren) from the ☐ home; or ☐ school.
- ☐ (8) The Defendant is restrained and enjoined from removing the minor child(ren) from the individual, to wit: \_\_\_\_\_, having legal custody of the minor child(ren), except as otherwise authorized by a custody or visitation order issued by a court of competent jurisdiction.
- ☐ (9) The Defendant is removed and excluded from the residence of the Plaintiff, regardless of ownership of the residence.
- ☐ (10) The Defendant is restrained and enjoined from: ☐ transferring; ☐ concealing; ☐ encumbering; or ☐ otherwise disposing of specified property mutually owned or leased by the parties, as follows: \_\_\_\_\_
- ☒ (11) The Defendant is restrained and enjoined from interfering with the Plaintiff's employment.
- ☐ (12) The Defendant is ordered to obey the following grant of relief deemed necessary to provide for the safety and welfare of the: ☐ Plaintiff; and/or ☐ Minor(s); and/or ☐ Minor child(ren); and/or ☐ Any designated family or household member, as follows: \_\_\_\_\_

**Protection Order**(Protection from Abuse Act)  
§30-5-1, et seq., Ala. Code 1975State of Alabama Unified Judicial System, Form C-3 Page 3 of 3  
Rev. 4/2007

Case No.

**DR-07-665**In the ☒ Circuit or ☐ District Court of*Montgomery*

County, ALABAMA

☐ Amended Order

☐ (13) The Defendant is ordered to comply with the following visitation arrangements of any minor child(ren). [These arrangements should be given on a basis that given primary consideration to the safety of the Plaintiff and/or the minor child(ren), or both, and require supervision by a third party or denies visitation if necessary to protect the safety of the Plaintiff and/or minor child(ren)]:

☒ (14) The Defendant is ordered to pay court costs in the amount of \$ 149.00 and court costs.

☐ (15) The Defendant is ordered to support the Plaintiff and/or minor child(ren) living in the residence or household when the Defendant is the sole owner or lessee. The Plaintiff is granted possession of the residence or household to the exclusion of the Defendant by ☐ evicting the Defendant; ☐ restoring possession to the Plaintiff or ☐ both; or ☐ by consent agreement allowing the Defendant to provide suitable alternate housing.

☐ (16) The Defendant is ordered to pay temporary reasonable support in the amount of \$ \_\_\_\_\_ to the Plaintiff and/or any child(ren) in the Plaintiff's custody, or both, when the Defendant has a legal obligation to support such person. The amount of temporary support awarded shall be in accordance with the Child Support Guidelines, Rule 32, Alabama Rules of Judicial Administration, as calculated on Form CS-42, unless a different amount is set by this Court.

☐ (17) The Defendant is ordered to provide temporary possession of the vehicle (description) \_\_\_\_\_ to the Plaintiff, since the Plaintiff has no other means of transportation of his or her own and the Defendant either has control of more than one vehicle or has alternate means of transportation.

☐ (18) The following previous court orders are incorporated (all or in-part) into this Order.  
☐ Custody Order \_\_\_\_\_ (case#) ☐ Visitation Order \_\_\_\_\_ (case#) ☐ Support Order \_\_\_\_\_ (case#).

☒ (19) The Defendant is ordered to surrender all firearms to Montgomery Co. Sheriff's Dept (law enforcement agency). Any law enforcement officer is hereby authorized to remove any weapons known to be possessed by the Defendant if not timely surrendered.

☐ (20) Granting Plaintiff's request, this Court orders that the Plaintiff's address, the address of any member of the Plaintiff's family or household, or an address that would reveal the confidential location of a shelter for victims of domestic violence, be omitted or deleted from all documents filed with the Court, documents made available to the public, and documents made available to the Defendant.

☐ (21) Any law enforcement officer is hereby directed to accompany the Plaintiff to the: ☐ residence of the parties; and /or ☐ another location, \_\_\_\_\_, as necessary to enforce any of the terms of this Order. (description of location)

☒ (22) Defendant admitted ownership of an AK-47 and a small black handgun.

Date

7/20/07

Judge

*Patricia D. Warner*

Original-Court Record

Copy-Law Enforcement

Copy-Plaintiff

Copy-Defendant



State of Alabama Unified Judicial System Form CR-48 Rev. 7/2000	<b>CONDITIONS OF RELEASE DOMESTIC VIOLENCE CASE</b>	Case Number <b>2007CRA004754A</b>
IN THE <u>MUNICIPAL</u> COURT OF <u>MONTGOMERY,</u> ALABAMA (Circuit, District or Municipal) (Name of County or Municipality)		
<input type="checkbox"/> STATE OF ALABAMA <input checked="" type="checkbox"/> MUNICIPALITY OF <u>MONTGOMERY</u> v. <u>Maurice Anderson</u> <div style="text-align: right;">Defendant</div>		

This court hereby orders that the defendant be released upon the following conditions:

- A. Execution of a secured appearance bond in the amount of \$ 500.00

This amount is set based on the following findings: The Court finds that the defendant is a threat to the alleged victim, to wit:

Porsha Abernathy; that the defendant is a threat to public safety, to wit: \_\_\_\_\_; or  
 that the defendant is reasonably likely to appear in court, to wit: \_\_\_\_\_;

- B. Restraining Order: Based upon a finding by the Court that a history of violence or abuse exists, the defendant shall not harass, annoy, alarm, threaten, intimidate, assault, or otherwise bother or harm, Porsha Abernathy  
 (Name)

C. MANDATORY CONDITIONS OF RELEASE

1. The defendant must appear to answer and submit to all orders and processes of the court having jurisdiction over the case.
2. The defendant must refrain from committing any criminal offense.
3. The defendant may not depart from the State of Alabama without approval or the leave of the court having jurisdiction of this case.
4. The defendant must promptly notify the court of any changes of his/her address or telephone number.

D. OTHER CONDITIONS OF RELEASE:

- A. The defendant is enjoined from threatening to commit or committing acts of domestic violence against the alleged victim as provided in subdivisions (1) through (4) of subsection (b) of section 15-10-3, Code of Alabama 1975 or Act No. 2000-266;

☒ The defendant is prohibited from telephoning, contacting, or otherwise communicating with the alleged victim with the intent to harass, either directly or indirectly;

☐ The defendant is ordered to stay away from the home of the alleged victim, when the defendant and alleged victim are not residents of the same home;

☐ The defendant is ordered to stay away from the following location: victim's place of employment where the alleged victim is likely to be; or any place where defendant knows the victim to frequent or be;

☒ The defendant is prohibited from possessing a firearm or other weapon, as follows: on any dangerous instrument and that such weapon is not necessary for employment as a peace officer or military personnel;

Other conditions: \_\_\_\_\_

The provisions of this Release Order may be revoked or modified by the court for cause or as required to protect the safety of the alleged victim or to ensure the appearance of the person in court. Upon report of a violation of any of the above conditions, a Warrant for the defendant's arrest will be issued. A law enforcement officer may arrest with or without a Warrant for violation of the above Restraining Order issued as a condition of release.

Date <u>6/20/2007</u>	Judge/Magistrate <u>[Signature]</u>
Served on defendant this date, <u>6/20</u> , 2007, by <u>[Signature]</u>	
The above Conditions of Release have been read and explained to me, and I have received a copy of this Order, and understand same and agree to abide by them.	
Date <u>6/20/07</u>	Defendant's Signature <u>[Signature]</u>
Defendant's Address <u>2645 Rutland St</u>	334-264-3289
City <u>Montgomery</u> State <u>AL</u> Zip Code <u>36108</u>	Defendant's Telephone Number